

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) AND 1.27 (c)) - SMALL BUSINESS CONCERN

Docket No.
A-6865

Serial No.
09/446,128

Filing Date
December 28, 1999

Patent No.

Issue Date

Applicant/ Patentee: **Sauer, Sarolf and Klepsch, Christian**

Invention: **PROCESS FOR FURTHER PROCESSING OF SMALL GLASS PARTICLES**

I hereby declare that I am:

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: Starshine Glastechnologie GmbH

ADDRESS OF CONCERN: Weinbach 14, A-5351 Aigen-Voglhut, Austria

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 37 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such person, concern or organization exists.
☐ each such person, concern or organization is listed below.

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

FULL NAME

ADDRESS

☐

Individual

☐

Small Business Concern

☐

Nonprofit Organization

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON SIGNING

OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

SIGNATURE:

DATE:

Declaration and Power of Attorney for Patent Application

Erklärung für Patentanmeldungen mit Vollmacht

German Language Declaration

Als nachstehend benannter Erfinder erkläre ich hiermit an Eides Statt:

daß mein Wohnsitz, meine Postanschrift und meine Staatsangehörigkeit den im nachstehenden nach meinem Namen aufgeführten Angaben entsprechen, daß ich nach bestem Wissen der ursprüngliche, erste und alleinige Erfinder (falls nachstehend nur ein Name angegeben ist) oder ein ursprünglicher, erster und Miterfinder (falls nachstehend mehrere Namen aufgeführt sind) des Gegenstandes bin, für den dieser Antrag gestellt wird und für den ein Patent für die Erfindung mit folgendem Titel beantragt wird:

deren Beschreibung hier beigelegt ist, es sei denn (in diesem Falle Zutreffendes bitte ankreuzen), diese Erfindung

- ☐ wurde angemeldet am _____ unter der US-Anmeldenummer oder unter der Internationalen Anmeldenummer im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) _____ und am _____ abgeändert (falls zutreffend).

Ich bestätige hiermit, daß ich den Inhalt der oben angegebenen Patentanmeldung, einschließlich der Ansprüche, die eventuell durch einen oben erwähnten Zusatzantrag abgeändert wurde, durchgesehen und verstanden habe.

Ich erkenne meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Titel 37, Code of Federal Regulations, § 1.56 von Belang sind.

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

PROCESS FOR FURTHER PROCESSING OF
SMALL GLASS PARTICLES

the specification of which is attached hereto unless the following box is checked:

☒ was filed on December 28, 1999 as United States Application Number or PCT International Application Number 09/446,128 and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

GERMAN LANGUAGE DECLARATION

Ich beanspruche hiermit ausländische Prioritätsvorteile gemäß Title 35, US-Code, § 119 (a)-(d), bzw. § 365(b) aller unten aufgeführten Auslandsanmeldungen für Patente oder Erfinderurkunden, oder § 365(a) aller PCT internationalen Anmeldungen, welche wenigstens ein Land ausser den Vereinigten Staaten von Amerika benennen, und habe nachstehend durch ankreuzen sämtliche Auslandsanmeldungen für Patent bzw. Erfinderurkunden oder PCT internationale Anmeldungen angegeben, deren Anmeldetag dem der Anmeldung, für welche Priorität beansprucht wird, vorangeht.

Prior Foreign Applications
(Frühere ausländische Anmeldungen)

<u>197 28 682.8</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)
<u>197 32 462.2</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)
<u>197 32 461.4</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)
<u>197 40 160.0</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)
<u>197 44 876.3</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)
<u>197 40 163.5</u> (Number) (Nummer)	<u>Germany</u> (Country) (Land)

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Priority Not Claimed
Priorität nicht beansprucht

<u>04 July 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>
<u>28 July 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>
<u>28 July 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>
<u>12 September 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>
<u>10 October 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>
<u>12 September 1997</u> (Day/Month/Year Filed) (Tag/Monat/Jahr der Anmeldung)	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

Ich beanspruche hiermit die mirunter Title 35, US-Code, § 120 zustehenden Vorteile aller unten aufgeführten US-Patentanmeldungen bzw. § 365(c) aller PCT internationalen Anmeldungen, welche die Vereinigten Staaten von Amerika benennen, und erkenne, insofern der Gegenstand eines jeden früheren Anspruchs dieser Patentanmeldung nicht in einer US-Patentanmeldung, bzw. PCT internationalen Anmeldung in in einer gemäß dem ersten Absatz von Title 35, US-Code, § 112 vorgeschriebenen Art und Weise offenbart wurde, meine Pflicht zur Offenbarung jeglicher Informationen an, die zur Prüfung der Patentfähigkeit in Einklang mit Title 37, Code of Federal Regulations, § 1.56 von Belang sind und die im Zeitraum zwischen dem Anmeldetag der früheren Patentanmeldung und dem nationalen oder im Rahmen des Vertrags über die Zusammenarbeit auf dem Gebiet des Patentwesens (PCT) gültigen internationalen Anmeldetags bekannt geworden sind.

<u>PCT/EP98/00349</u> (Application No.) (Aktenzeichen))	<u>04 June 1998</u> (Filing Date) (Anmeldetag)
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<u>(Application No.) (Aktenzeichen))</u>	<u>(Filing Date) (Anmeldetag)</u>
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Ich erkläre hiermit, daß alle in der vorliegenden Erklärung von mir gemachten Angaben nach bestem Wissen und Gewissen der Wahrheit entsprechen, und ferner daß ich diese eidesstattliche Erklärung in Kenntnis dessen ablege, daß wissentlich und vorsätzlich falsche Angaben oder dergleichen gemäß § 1001, Title 18 des US-Code strafbar sind und mit Geldstrafe und/oder Gefängnis bestraft werden können und daß derartige wissentlich und vorsätzlich falsche Angaben die Rechtswirksamkeit der vorliegenden Patentanmeldung oder eines aufgrund deren erteilten Patentes gefährden können.

<u>(Application No.) (Aktenzeichen))</u>	<u>(Filing Date) (Anmeldetag)</u>
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<u>(Application No.) (Aktenzeichen))</u>	<u>(Filing Date) (Anmeldetag)</u>
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 137, code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

<u>Published</u> (Status)(patented, pending, abandoned) (Status) (patentiert,, schwebend, aufgegeben)

<u>(Status)(patented, pending, abandoned) (Status) (patentiert,, schwebend, aufgegeben)</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

German Language Declaration

VERTRETUNGSVOLMACHT: Als benannter Erfinder beauftrage ich hiermit den (die) nachstehend aufgeführten Patentanwalt (Patentanwälte) und/oder Vertreter mit der Verfolgung der vorliegenden Patentanmeldung sowie mit der Abwicklung aller damit verbundenen Angelegenheiten vor dem US-Patent- und Markenamt: (Name(n) und Registrationsnummer(n) auflisten)

Postanschrift:

Telefonische Auskünfte: (Name und Telefonnummer)

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)
Stewart L. Gitler-31,256; Martin P. Hoffman-22,261; Mitchell B. Wasson-27,408; Douglas W. Robinson-32,751; Christopher J. McDonald-41,533

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Direct Telephone Calls to: (name and telephone number)

Stewart L. Gitler - (703) 415-0100

Vor- und Zuname des einzigen oder ersten Erfinders	Full name of sole or first inventor Sauer, Saroff
Unterschrift des Erfinders Datum	Inventor's signature Date
Wohnsitz	Residence Lainzer Str. 64 A-1130 Wien, Austria
Staatsangehörigkeit	Citizenship Austria
Postanschrift	Post Office Address Same as above
Vor- und Zuname des zweiten Miterfinders (falls zutreffend)	Full name of second joint inventor, if any Klepsch, Christian
Unterschrift des zweiten Erfinders Datum <i>Christian Klepsch</i>	Second Inventor's signature Date <i>Christian Klepsch</i>
Wohnsitz	Residence A-5201 Seekirchen, Austria
Staatsangehörigkeit	Citizenship Austria
Postanschrift	Post Office Address Same as above

(Im Falle dritter und weiterer Miterfinder sind die entsprechenden Informationen und Unterschriften hinzuzufügen.)

(Supply similar information and signature for third and subsequent joint inventors.)